

ADOSH ADVOCATE

Improving Workplace Safety and Health



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Darin Perkins, Director

Summer 2004

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Needlesticks

As many of you in the health related fields already know, needle stick injuries present a significant risk to employees, so much so that Congress created the Needlestick Safety and Prevention Act (Act) (Pub. L. 106-430), which was signed into law on November 6, 2000. Congress felt that it was necessary to modify OSHA's requirement for the identification, evaluation and use of safer medical devices. The Act also mandated additional requirements for maintaining a sharps injury log and for the involvement of non-managerial healthcare workers in evaluating and choosing safer devices. The Act directed OSHA to revise its Bloodborne Pathogens Standard (29 CFR 1910.1030). OSHA published the revised standard in the Federal Register on January 18, 2001; it took effect on April 18, 2001.

Under this Act the employer is required to consider newer, safer products and evaluate their effectiveness and when devices are found to be effective, implement their use within the workplace. An example of such devices would generally be of two types: needleless systems (e.g., needleless IV connectors) and sharps with engineered sharps injury protection (e.g., self sheathing needles on syringes).

In addition, the Act requires that the employer solicit input from management and non-managerial personnel on these devices. Where such devices are found to reduce employee exposure, either by removing, eliminating, or isolating the hazard, they must be used. The solicitation of employee input must be documented in the Exposure Control Plan. The Exposure Control Plan must

be reviewed annually as well as the effectiveness of devices currently in use, and consideration of any new devices on the market.

The Act also mandates a sharps injury log as a way of tracking injuries from contaminated sharps.

In some cases employers feel that there are no safer devices and have opted to use a one handed recapping method as a way of guarding against needle sticks. The standard allows recapping by using a mechanical device or one-handed technique, only in those situations where no alternative is feasible or where recapping is required by a specific medical or dental procedure.

In those instances where the employer claims that no alternative or engineered device can be found and they opt to use methods such as recapping needles they must ensure they have written justification in their exposure control plan and that justification is supported by reliable evidence. The justification must state the basis for the employer's determination that no alternative is feasible or must specify that a particular medical procedure requires such action.

It is important for employers covered by the Bloodborne Pathogens Standard to understand the requirements regarding the selection and use of safer devices. If you have questions regarding the standard's requirements, contact the ADOSH consultation section.

Mark Norton, Assistant Director

Discrimination Unlawful

It is unlawful, under the Arizona Occupational Safety and Health Act for an employer to discharge an employee or in any manner discriminate against an employee because the employee filed a safety and health complaint or engaged in other activities protected by the Act. Types of discrimination include:

- Discharge,
- Demotion,
- Suspension,
- Harassment,
- Reduction in pay.

An employee who believes that he or she was discharged or otherwise discriminated against for engaging in a protected activity may file a complaint with the Arizona Division of Occupational Safety and Health (ADOSH) no later than 30 days following the alleged discriminatory action. Upon receipt of the complaint, ADOSH will investigate, as appropriate.

If ADOSH determines that an employee was discriminated against, all appropriate relief will be ordered, including:

- Rehiring or reinstatement to the former position,
- Payment of back wages, with interest, and
- Possible compensation for any special damages or fees.

Under Arizona law, an employee is protected from discrimination when engaging in certain activities, including the following:

- Filing a safety and health complaint with ADOSH, the employer, or another agency or individual,
- Expressing concern to, or asking questions of management with respect to safety and health conditions in the workplace,

- Participating in an ADOSH inspection, including employee interviews,
- Requesting safety and health information, such as material safety data sheets,
- Reporting a workplace injury or asking for access to records.

A common question received by ADOSH is whether an individual can refuse to work. Court decisions have held that employees have the right to refuse job assignments if the assignment is deemed an "imminent danger", and the following criteria are met:

- An employee with no reasonable alternative refuses in good faith to expose himself/herself to the dangerous condition (imminent danger),
- The condition causing the employee's apprehension of death or serious bodily injury must be of such a nature that a reasonable person under the same circumstances would conclude there is a real danger of death or serious injury,
- There is insufficient time to eliminate the dangerous condition through regulatory channels, and,
- Where possible, the employee must have also sought from the employer and was unable to obtain, a correction of the dangerous condition.

To be valid, a discrimination complaint must be in writing and must be filed with ADOSH within the 30 calendar day time frame provided by statute. This is a strict time frame and employees need to keep this time limit in mind. Unfortunately, each year there are complainants who file complaints after the 30 day period has lapsed, resulting in their

complaint being dismissed.

A discrimination investigation will normally be opened when it is alleged that an employee has been discriminated against in some manner for complaining of a safety and health issue. The allegation must include:

- An employee who is engaged in a protected activity,
- An indication the employer had knowledge of the protected activity, and
- As a result, the employee suffered an adverse employment action.

Once a complaint is filed, a screening process takes place to insure that the complaint contains the necessary elements. If it meets the criteria, the complaint is assigned for investigation. The employer is advised of the pending investigation in order to provide rebuttal to the charge.

After all witnesses are interviewed and documents reviewed, a recommendation is made to the Industrial Commission, consisting of a board of five commissioners, to either pursue the case further (file a complaint against the employer in Superior Court), or dismiss the case.

ADOSH discrimination investigators work hard to ensure that complaints are received, processed and investigated in a timely manner. In most cases, a decision is reached by the Commission within 90 days of receipt of a complaint.

If you have questions regarding employee discrimination, contact the ADOSH compliance sections at either 602-542-5795 in Phoenix, or 520-628-5478 in Tucson.

Darin Perkins, Director

New VPP and SHARP Participants

ADOSH would like to welcome three Arizona employers as the newest members in the Voluntary Protection Program (VPP) and Safety and

Health Achievement Recognition Program (SHARP). levels of most employers within their industry. The establishment of all required safety and health programs as well as compliance with all applicable OSHA safety standards is secondary to the requirement that both employees and management be actively engaged in the promotion of a safe and healthy working environment. VPP employers are the examples to which other employers should look when attempting to provide their employees with the safest working environment possible.

The **Simmons Manufacturing Company** located in Tolleson is the first Arizona employer recognized under ADOSH's SHARP program. This program recognizes small employers who operate an exemplary safety and health management sys-



Motorola Global Telecom Solutions



TRW Vehicle Safety Systems

Health Achievement Recognition Program (SHARP).

Motorola's Global Telecom Solutions Sector in Chandler became Arizona's 12th VPP STAR site last September 30th. **TRW Vehicle Safety Systems** became the 13th site on March 10th of this year. The VPP STAR program recognizes those employers who have achieved a level of employee safety and health far beyond the



Simmons Manufacturing

tem. Employers meeting established criteria and accepted into the program are offered an exemption from planned ADOSH inspections for a one year period, with an opportunity to renew that exemption for an additional one to two years.

Employers interested in either the VPP or SHARP program are encouraged to contact the ADOSH consultation section in Phoenix at 602-542-1769 or Tucson at 520-628-5478.

BOILER AND WATER HEATER SAFETY

A boiler can be a lethal appliance. Since 1990, there have been more than 11,000 boiler and pressure vessel accidents in the United States. When water expands into steam, it has an expansion rate of approximately 1,600 times its original volume.

A recent survey identified the following leading causes of boiler-

related accidents:

- Failure of the fuel cutoff system when the water level inside the unit becomes too low for proper operation.
- Operator error, poor maintenance, or improper maintenance.
- Failure of any primary safety controls and failure of the safety relief valve (which should relieve the excess pressure or excessively high temperature

water supply inside the tank when pressure or temperature rises above a safe operating level due to the failure of primary safety controls).

- The addition of cold water to an extremely overheated water heater or boiler.

An overheating boiler or hot water heater may exhibit the following conditions:

- A discharging safety relief valve.

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- Pressure and/or temperature readings above the maximum allowed for the boiler.
- Low or no water in boilers equipped with water-level gauge glasses.
- Scorched or burning paint on the skin casing.

When a water heater or boiler is overheating, the only safe intervention is to remove the heat source by stopping the supply of fuel or air.

Do not try to relieve the pressure. Do not add cool water into the vessel. Do not try to cool the vessel with water. Let the vessel cool down naturally. Get away from the vessel. Call a qualified repair company and notify the Boiler Safety Section of the Industrial Commission of Arizona.

In the event of a boiler-related accident, the owner is responsible for contacting a Commissioned Boiler Inspector, after the initial emergency is handled and prior to

any further disturbance to the unit.

The State of Arizona requires regular inspections of boilers and pressure vessels in other than residential settings. For information regarding inspections and regulation of commercial boilers or water heaters, contact

Robert Bartlett, Chief Boiler Inspector, 602-542-1771.

Fatal Mistakes

It's that time of year again. It's dry, hot, and there won't be much moisture in the soil in Arizona. No, this is not an ad for any product, or a reminder to water your lawn. It's all about excavation and trench safety.

Lack of moisture means that the caliche you dug through in the winter, that was firm and stable, and really helped support the side walls of your excavation is now dry, hard and fractures (with a lot of work) into very fine dust. It's also the dryness that makes the sandy soils fail to clump, fail to hold the side walls of your excavation in place and causes you to have to excavate so much extra dirt out of your excavation.

This year is going to be a really dry year according to the weather predictions. We have had a few years without an excavation collapse fatality and we at ADOSH would like to continue that for many more. This extra dry season we are now having could bite us with a vengeance, unless everyone is extremely careful to protect the employees who enter excavations and trenches.

A few years ago three employees were asked to prepare an 8' deep vertical-walled excavation for a repair that was being made to an incorrectly installed set of pipes. Two of the employees entered the trench while one stayed on top to shovel in fine soils to use to prepare a new pipe bed on the excavation bottom. This excavation had been open for well over a week and the weather was typical Arizona late spring weather, "hot, dry and dusty." The south side of the excavation collapsed on the two employees in the bottom. One was knocked away from the collapse, but the second one was covered with many yards of dry, sandy soil. After nine hours of very hard work, the fire department's Technical Rescue Unit was able to effect a safe body retrieval. The soil was extremely dry and unstable in the eyes of the rescue crew. Several comments were made at the retrieval scene that the dry weather had really hindered the safety of their efforts.

Trench boxes, or a 1 1/2 to 1 slope all the way to the bottom of the excavation are the safest precautions you can use. With the dry weather we are facing, no one would fault you if you were a little overcautious. Slopes of less than 1 1/2 to 1, and the use of aluminum hydraulic speed shores may be acceptable, depending on conditions evaluated at the site by the competent person. A registered professional engineer's letter regarding the specific site where work is being performed may also be acceptable under OSHA Standards in lieu of any other protective means. Just remember that the safest way is to use the most protective method, and remember that very dry soil is very unstable. We are in the middle of a very dry weather period and we really need to be as protective as we can be.

Some "dirty" facts (or reminders):

Dirt weighs about 110 to 130 pounds per cubic foot. Make that about 3,000 to 3,500 pounds per cubic yard. Almost as much as your pick up truck weighs!

Work carefully and safely, PLEASE!

Ernie Miller

ADOSH Education and Training Calendar

Registration for each class begins no earlier than 30 days prior to the date of the class. Location, address and time of class will be determined at the time of registration. All ADOSH classes are free of charge and are subject to change or cancellation without notice.

Date	Class	Location	Trainer	Phone number
July 1	Walking and Working Surfaces	Tucson	Glynn Condit	520-320-4229
July 6	Rigging Safety Awareness	Tucson	Glynn Condit	520-320-4229
July 6	Excavation Safety	Avondale	Joe Gates	602-542-1641
July 7	Lockout/Tagout	Show Low	Joe Gates	602-542-1641
July 8	Personal Protective Equipment	Phoenix	Fernando Mendieta	602-542-1640
July 8	Scaffold Safety Awareness	Tucson	Glynn Condit	520-320-4229
July 13	Hand & Power Tool Safety	Verde Valley	Joe Gates	602-542-1641
July 14	Back Injury Prevention	Phoenix	Fernando Mendieta	602-542-1640
July 14	Electrical Safety Awareness	Tucson	Glynn Condit	520-320-4229
July 14	Concrete & Masonry Safety	Yuma	Joe Gates	602-542-1641
July 15	Welding & Cutting Safety	Yuma	Joe Gates	602-542-1641
July 20	Personal Protective Equipment	Peoria	Joe Gates	602-542-1641
July 22	Safety Management (AM)	Sierra Vista	Glynn Condit	520-320-4229
July 22	Lockout Tagout (PM)	Sierra Vista	Glynn Condit	520-320-4229
July 22	OSHA in the Medical Office	Phoenix	Fernando Mendieta	602-542-1640
July 27	Machine Guarding	Phoenix	Joe Gates	602-542-1641
July 28	Silica Awareness	Phoenix	Fernando Mendieta	602-542-1640
July 28	Hand and Power Tools	Tucson	Glynn Condit	520-320-4229
July 30	Safety Management	Tucson	Glynn Condit	520-320-4229
August 4	Excavation Safety Awareness	Tucson	Glynn Condit	520-320-4229
August 5	Lockout Tagout	Phoenix	Joe Gates	602-542-1641
August 6	Bloodborne Pathogens	Show Low	Fernando Mendieta	602-542-1640
August 10	Fall Protection	Phoenix	Joe Gates	602-542-1641
August 11	Fall Protection	Tucson	Glynn Condit	520-320-4229
August 12	OSHA in the Medical Office	Flagstaff	Fernando Mendieta	602-542-1640
August 17	Lockout Tagout	Peoria	Joe Gates	602-542-1641
August 18	Excavation Safety	Yuma	Joe Gates	602-542-1641
August 18	Hazard Communication	Tucson	Glynn Condit	520-320-4229
August 19	Confined Space Entry	Sierra Vista	Fernando Mendieta	602-542-1640
August 19	Noise and Hearing Conservation	Sierra Vista	Fernando Mendieta	602-542-1640
August 19	Hand & Power Tool Safety	Yuma	Joe Gates	602-542-1641
August 24	Machine Guarding	Tucson	Glynn Condit	520-320-4229
August 25	Noise and Hearing Conservation	Phoenix	Fernando Mendieta	602-542-1640
August 26	Electrical Safety Awareness	Tucson	Glynn Condit	520-320-4229
August 31	Excavation Safety	Gilbert	Joe Gates	602-542-1641
September 2	Forklift Train-the-Trainer	Tucson	Glynn Condit	520-320-4229
September 7	OSHA 300 Log Recordkeeping	Phoenix	Joe Gates	602-542-1641
September 7	Bloodborne Pathogens	Camp Verde	Fernando Mendieta	602-542-1640
September 8	Rigging Safety	Tucson	Glynn Condit	520-320-4229
September 10	OSHA 300 Log Recordkeeping	Tucson	Glynn Condit	520-320-4229
September 14	Crane Safety	Tucson	Glynn Condit	520-320-4229
September 14	Hazard Communication	Peoria	Fernando Mendieta	602-542-1640
September 15	Confined Space Entry	Yuma	Fernando Mendieta	602-542-1640
September 16	Respiratory Protection	Yuma	Fernando Mendieta	602-542-1640
September 16	Crane Safety (AM)	Sierra Vista	Glynn Condit	520-320-4229
September 16	Rigging Safety (PM)	Sierra Vista	Glynn Condit	520-320-4229
September 22	Excavation Safety Awareness	Tucson	Glynn Condit	520-320-4229
September 23	Hazard Communication	Phoenix	Fernando Mendieta	602-542-1640
September 28	Silica Awareness	Tucson	Fernando Mendieta	602-542-1640
September 28	OSHA in the Medical Office	Tucson	Fernando Mendieta	602-542-1640
September 28	Scaffold Safety	Phoenix	Joe Gates	602-542-1641
September 29	Back Injury Prevention	Tucson	Glynn Condit	520-320-4229

All Tucson classes will be held at 2675 East Broadway Tucson Az. Please call if you have any questions.

Trainers may also be contacted by e-mail at gates.joe@dol.gov, mendiet.fernando@dol.gov, and condit.glynn@dol.gov

*Occupational Fatalities Investigated by ADOSH
January 1, 2004 through March 31, 2004*

- An employee performing built-up roofing operations walked backwards over the edge of a roof, falling 16 feet to his death.
- An employee was caught between a rotating mixing drum and the support structure when attempting to spread oil on the drum by hand.
- An forklift used to lift A man basket and employee to trim a palm tree, tipped over during high winds.
- An employee was run over by a road grader when he stepped from the cab and the grader rolled backwards.

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